

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : T. YOKOTA et al.
Serial No. : 09/690,543
Filing Date : October 17, 2000
Application to
Reissue Patent No. : 6,628,591
Issued : September 30, 2003
Title : **APPARATUS AND METHOD FOR RECORDING
DATA ONTO A PREDETERMINED RECORDING
MEDIUM**

745 Fifth Avenue
New York, NY 10151

DECLARATION OF INVENTORS

As a below-named sole inventor, I hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name.
2. I verily believe myself to be the original and first inventor of the invention described and claimed in U.S. Patent No. 6,628,591 for which a reissue patent is sought on the invention and in the specification filed herewith. Also, by being the named inventor on the reissue application and the original application, and by my education, training and experience, I am qualified to render opinions concerning the subject matter of the reissue application.
3. I hereby state that I have reviewed and understand the contents of the aforementioned specification, including the claims.

4. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

5. I hereby claim foreign priority benefits under Title 35, United States Code § 119 from Japanese application number 11-296365, filed October 19, 1999, and state that no other application for patent or inventor's certificate or any PCT international application was filed by me on the same subject matter prior to October 19, 1999. A certified copy of this priority application was filed in U.S. Patent No. 6,628,591.

6. I do not know and do not believe that the invention was ever known or used in the United States of America before my invention thereof.

7. I verily believe the original Letters Patent to be wholly or partly inoperative or invalid by reason of my claiming more or less than I had right to claim in the patent by at least failing to claim the subject matter, namely, by failure to claim:

- a. a recording apparatus, comprising:
 - converging means for converging a light beam on an optical disc;
 - detecting means for detecting a reflected light beam reflected by said optical disc;
 - reproducing means for reproducing information recorded on said optical disc based on said reflected light beam detected by said detecting means;
 - recording means for recording information reproduced by said reproducing means in a storage medium;
 - determining means for determining a type of said optical disc based on in-focus timing and count while said converging means is moved in a focus direction for said optical disc,

said in-focus timing and count being detected according to said reflected light beam detected by said detecting means; and

control means for inhibiting said recording means from recording information reproduced from said optical disc in said storage medium according to the determination result.

b. a recording method, comprising the steps of:

converging a light beam on an optical disc;

detecting a reflected light beam reflected by said optical disc;

reproducing information recorded on said optical disc based on said reflected light beam;

recording said reproduced information in a storage medium;

determining a type of said optical disc based on in-focus timing and count while said light beam is moved in a focus direction for said optical disc, said in-focus timing and count being detected according to said reflected light beam; and

inhibiting the recording of information reproduced from said optical disc in said storage medium according to the determination result.

8. I did not discover that the claims of the original patent claimed more or less than I had a right to claim until after the original patent was issued.

9. No claim was previously presented during prosecution of the above referenced patent that particularly claimed the method or apparatus described in paragraph 7 above.

10. The error noted above, as well as any other errors to be corrected herein arose without any deceptive intention on my part.

11. New claims 28-39 submitted with this application particularly point out the subject matter which I considered my invention and round out the scope of protection to which I am entitled. By the omission of such claims the original patent claims less than I had a right to claim.

I hereby appoint William S. Frommer, Registration No. 25,506, of Frommer Lawrence & Haug LLP or his duly appointed associate, my attorney, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following address:

William S. Frommer, Esq.
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, New York 10151

Direct all telephone calls to: (212) 588-0800 to the attention of William S. Frommer, Esq.

Facsimile: (212) 588-0500.

Wherefore I pray that I may be allowed to surrender the Letters Patent No. 6,628,591, granted September 30, 2003, whereof Sony Corporation, on whose behalf and with whose assent this application is made, is the sole owner, by Assignment, and that Letters Patent may be reissued to Sony Corporation for the same invention upon the attached specification.

I, the undersigned applicant, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Teppei Yokota

Teppei YOKOTA

November 19, 2003

Date

Residence: Chiba, Japan

Citizenship: Japan

Shuichi Nagano

Syuichi NAGANO

November 28, 2003

Date

Residence: Chiba, Japan

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Toshiyuki Kunimoto

Toshiyuki KUNIMOTO

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Date

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STATEMENT UNDER 37 C.F.R. §3.73 (b)

Mail Stop Reissue Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, empowered to sign this Statement on behalf of the assignee, states that **SONY CORPORATION**, a corporation of Japan, is the assignee of 100% of the entire right, title and interest in the reissue patent application identified above by virtue of an assignment from the inventor.

The document is of record in the Patent and Trademark Office in connection with original application 09/690,543 at Reel 011448, Frame 0030.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

Respectfully submitted,

SONY CORPORATION

By:


Keisuke Tanaka

Manager

Intellectual Property Division

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ASSENT OF ASSIGNEE

Mail Stop Reissue Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

The undersigned, empowered by the assignee, Sony Corporation, to sign this document, states that Sony Corporation, a corporation of Japan, is the assignee of 100% of the entire right, title and interest in the patent identified above by virtue of an assignment from the inventors of application Serial No. 09/690,543 which issued as U.S. Patent 6,628,591 on September 30, 2003, the present application being a reissue thereof. The assignment is of record in the Patent and Trademark Office at Reel 011448, Frame 0030.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

Sony Corporation hereby assents to the filing of the above-identified application
to reissue U.S. Patent 6,628,591.

SONY CORPORATION

By 
Keisuke Tanaka
Manager
Intellectual Property Division

Date: November 17, 2003